

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

(CLASS ACTION)

(1) JOHN C. JOHNSON 279192

(2) WILLIAM GREGORY 411406

(3) DAYMIEN J. ROBERTS 374421

(4) BAYANT BANKS 218687

(5) RONALD F. BROOKS 294765

(6) CARLOS JACKSON 273677

(7) FENEL BAINE 450212

(8) JOHN FOLKS 126234

(9) BRANDON OWENS 501783

(10) CHRIS ROGERS 308180

(11) MICHAEL L. JONES 417267

(12) JAMES CAULK 293676

(NAME OF PLAINTIFF) (INMATE NUMBER)

DELAWARE CORRECTIONAL CENTER 1181
PADDOK ROAD SMYRNA, DELAWARE 19977
(COMPLETE ADDRESS WITH ZIP CODE)

VS.

(1) CARL DANBERG

(2) RICK HEARNEY

(3) PERRY PHELPS

(4) MICHAEL COSTELLO

(5) MICHAEL LITTLE

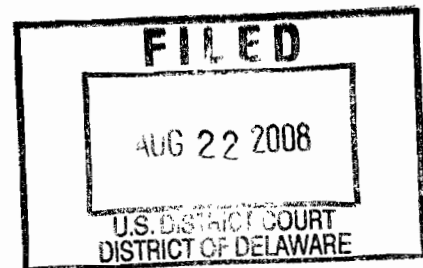
(6) RONALD HUSTERMAN

(NAME OF DEFENDANTS)

§ 49. MOTION --

For order determining that action
be maintained as class action.

(CASE NUMBER)
(TO BE ASSIGNED BY U.S. DISTRICT)
(COURT)



: MOTION FOR CLASS CERTIFICATION :

MOTION FOR CLASS CERTIFICATION

Pursuant to Rule 23 (c) of civil procedure, plaintiffs move this court to enter an order determining that this action may be maintained as a class action.

In support of this motion, the class would respectfully ask the court to consider appointing class counsel to class member John C. Johnson #279192 Pursuant to Rule 23(g)(1) and (4). Class Member John C. Johnson #279192 as class counsel has the ability of fairly and adequately represent the interests of the class.

In support of this motion, Plaintiffs incorporate the allegations of Paragraphs (A) of the first paragraph in sequence through (D) designation of the last paragraph in sequence of their complaint in this action, demonstrating compliance with all the requirements of Rule 23(c) and Rule 23(d)(1) and (B) designation of class action rule 23(c), and with the requirements of subdivision (specification of subdivision of class action rule 23(g)(1) and (A) of Rule 23(c) (designation of class action rule) for maintaining a class action under that subdivision.

For an order determining this action to be a proper class action Pursuant to Rule 23 of the Federal Rules of civil Procedure. The grounds of this motion, as more fully set forth in plaintiffs class action motion memorandum of points and authorities submitted in this action, are that:

- (a) There are questions of law and fact common to the class;
- (b) The class is so numerous that joinder of all member is impracticable;
- (c) The claim of the representative plaintiffs is typical of the claims of the class and it can reasonably be expected that defendants will interpose identical defenses to such claim;
- (d) (JOHN C. JOHNSON #279192) will fairly and adequately protect the interests of the class and;
- (e) Defendants have acted and refused to act on grounds generally applicable to the class thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to the class as a whole.

DATED: 8-21-08

Respectfully Submitted,
John C. Johnson #279192
 Delaware Correctional Center
 1181 Riddock Road
 Smyrna, Delaware 19479

CERTIFICATE OF SERVICE

I, JOHN C. JOHNSON CLASS COUNSEL, Hereby certify that I and the class have served a true and correct copy(ies) of the attached: Class action complaint by a Prisoner Under Civil Right ACT, 42 U.S.C. § 1983 upon the following parties/person(s):

To: Clerk Office
U.S. District court
Lockbox 18
844 N. King Street
Wilmington, Del. 19801

To: Attorney General office
Department of Justice
Carvel State Building
820 N. French Street
Wilmington, Del. 19801

To: Carl Danberg
Commissioner's office
245 McKee Road.
Dover, Delaware 19904

To: Rick Kearney
Bureau Chief's office
245 McKee Road.
Dover, Delaware 19904

To: Perry Phelps
Warden's office
Delaware Correctional center
1181 Paddock Road
Smyrna, Delaware 19977.

To: Michael Costello
Security Superintendant
Delaware Correctional Center
1181 Paddock Road
Smyrna, Delaware 19977.

To: Michael Little
Legal Services Administrator
Delaware Correctional center
1181 Paddock Road
Smyrna, Delaware 19977.

To: Ronald Hosterman
Treatment Administrator
Delaware Correctional Center
1181 Paddock Road
Smyrna, Delaware 19977.

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, Delaware 19977.

ON THIS 21st DAY OF August, 2008.

(1) John C. Johnson #279192

(2) William Gregory #411406

(3) Thyming Smith #374421

(4) Bryant Smith #212687

(5) Ronald L. Brooks #794745

(6) Carlos Jackson #273677

(7) James Bain #450712

(8) John Peltz #126234

(9) Brandon Owens #501783

(10) Chris Rogers #308180

(11) Michael L. Jones #417267

(12) James Cault #273676

Signature of Plaintiff's :

(3)